



TOWN OF PARADISE

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PLANNING DIRECTOR AGENDA

February 7, 2012; 11:00 a.m.

CALL TO ORDER

1. **APPROVAL OF MINUTES – December 12, 2011**

2. **PUBLIC COMMUNICATION (Public Presentation of Non-Agenda Items)**

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Planning Director meeting.

***** PUBLIC HEARING PROCEDURE *****

- | | | | |
|----|--------------------------------|----|-----------------------------|
| A. | Staff comments | C. | Close hearing to the public |
| B. | Open the hearing to the public | D. | Project decision |

3. **CONTINUED PUBLIC HEARING – None.**

4. **PUBLIC HEARING**

Items previously determined exempt from environmental review:

- a. **WORK TRAINING CENTER** Use Permit Modification (PL12-00006) Application requesting to modify the terms and conditions of a previously approved use permit (modification of requirements for the timing of public street frontage improvements) for property located at 7837 Skyway, Paradise, AP No. 051-163-039.
- b. **TRINITY PINES** Use Permit Modification (PL12-00012) Application requesting the modification to the terms and conditions of a previously-approved conditional use permit for the establishment of an adult residential care facility for up to twelve residents on property located at 800 Elliott Road, Paradise, AP No. 052-150-028.

Items proposed to be determined exempt from environmental review:

- c. **PERTUIT** Tentative Parcel Map (PL11-00354) requesting approval of a parcel map to divide an existing +/- 1.05 acre property into two parcels of record located at 1106 & 1112 Bille Rd, Paradise, AP No. 053-011-114.

5. ADJOURNMENT

M I N U T E S

CALL TO ORDER

Planning Director Craig Baker called the meeting to order at 10:00 a.m.

1. APPROVAL OF MINUTES –

The meeting minutes of August 11, 2011 were approved by the Planning Director.

2. PUBLIC COMMUNICATION – None.

3. CONTINUED PUBLIC HEARING – None.

4. PUBLIC HEARING

a. Item proposed to be determined exempt from environmental review:

ARC OF BUTTE COUNTY USE PERMIT (PL11-00331) APPLICATION: Request for Town approval of a use permit establishing a community care facility (adult day care) for up to 45 adults with developmental disabilities within an existing +/- 3,500 square foot vacant office building upon a +/- 0.52 acre property zoned Community Facilities (CF) located at 5325 Black Olive Dr., AP No. 052-250-062.

Planning Director Baker introduced Assistant Planner Hartman who explained that the permit applicant, ARC of Butte County, Inc. was requesting approval to establish a community care facility (adult day care) for up to 45 adults with developmental disabilities within an existing +/- 3,500 square foot vacant office building. The site is accessed by Black Olive and Foster roads, which are both public streets. The program will be staffed by up to 10 people with the facility being operational Monday through Friday, 8:00 a.m. to 5:00 p.m. and will focus on the development of skills required for community integration, employment and self-care. There is no major construction planned for exterior of the existing building.

Assistant Planner Hartman further reported that the project has received favorable responses from commenting agencies and appears to be a reasonable location for the establishment of a community care facility of the type proposed. The design of the proposed project is in compliance with all applicable zoning regulations and can be found to be consistent with applicable Paradise General Plan policies. Also, the project belongs to a class of projects that can be determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3) of the CEQA Guidelines.

After reviewing the existing environmental setting and circumstances associated with this application request, it is staff's position that the requested use permit application is reasonable and that the

project applicant will serve an important community service. Therefore, staff endorses Planning Director approval of the ARC of Butte County, Inc. use permit application, based upon and subject to recommended findings and conditions of project approval.

Planning Director Baker opened the public hearing at 10:04 a.m. There were no speakers for or against and Planning Director Baker closed the public hearing at 10:04 a.m.

Planning Director Baker adopted the findings for approval as provided by staff and approved the ARC of Butte County, Inc. use permit application (PL-11-00331) authorizing the establishment of a licensed adult day care facility within an existing +/- 3,500 square foot commercial building space on property located at 5325 Black Olive Drive, subject to the following conditions:

FINDINGS FOR APPROVAL

1. Certify the Planning Director's determination that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a land use on property that is conditionally zoned for such use and within an existing vacant structure suitable for such use.
3. Find that the project, **as conditioned**, is in compliance with all applicable regulations of the Community Facilities zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
 - a. The project is located within an area that has been altered from its natural state by long-established commercial and residential land uses and public infrastructure;
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - c. No known rare or endangered plants are known to exist in the immediate project vicinity.

GENERAL CONDITIONS OF USE PERMIT APPROVAL

1. If any land use for which a use permit has been granted and issued is not established within three years of the use permit's effective date, the use permit may become subject to revocation by the Town of Paradise.
2. Secure Town of Paradise design review approval for any new business or identification signs prior to the establishment of such signs.
3. The total number of clients and support staff that occupy the building proposed for licensed

adult day care occupancy shall at no time exceed the occupancy level expressly authorized by the Town of Paradise, based upon calculated wastewater generation.

CONDITIONS TO BE MET PRIOR TO OCCUPANCY

ROADS AND ACCESS

4. Deed thirty feet from the centerlines of Foster Road and Black Olive Drive to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.
5. Construct or defer by covenant executed with the Town of Paradise one-half street section upgrade improvements along the project site frontage of Foster Road and Black Olive Drive to the town-adopted B-2 road standard.

FIRE PROTECTION

6. Establish and maintain compliance with all requirements of the Town Building Official/Fire Marshal in accordance with the Commercial Fire Department Condition letter dated November 30, 2011 for the ARC of Butte County use permit application (copy on file with the Town Development Services Department).

CONSTRUCTION CODES

7. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of any plans, building permit applications, and all applicable Town adopted building code requirements.

SITE DEVELOPMENT

8. Maintain the on site parking facility in substantial compliance with applicable provisions of Chapter 17.38 (*Off-Street Parking and Loading Regulations*) of the Paradise Municipal Code for the term of the proposed and conditionally authorized land use in a manner deemed acceptable to the Town Engineer, including adequate surfacing, drainage, striping and directional markings.
9. Relocate the existing, freestanding identification sign located within the Black Olive Drive public right-of-way to a location on the project site. Secure the issuance of a Town-approved administrative permit, reviewed for traffic sight distance compatibility, if the new location is within fifty feet from the centerline of any public street.

It was announced that the decision of the Planning Director can be appealed within 7 days of the decision date.

5. **OTHER BUSINESS** – None.

6. ADJOURNMENT

The Planning Director adjourned the meeting at 10:05 a.m.

Planning Director

ATTEST:

Planning Secretary

MEMORANDUM

TO: Craig Baker, Planning Director **AGENDA NO. 4 (a)**

FROM: Susan Hartman, Assistant Planner

SUBJECT: Request to Modify the Terms and Conditions of a Previously Approved Use Permit Application (PL12-00006; Work Training Center); AP 051-163-039

DATE: February 2, 2012

BACKGROUND

On **March 18, 2010**, the Planning Director conducted a public hearing to consider a use permit modification application proposing to establish a licensed adult day care facility associated with the on-site production and retail sales of various artwork and crafts on property located at 7837 and 7849 Skyway in Paradise. At the conclusion of the public hearing, the Planning Director approved the modified use permit application subject to seven conditions of project approval.

Condition No. 5 of the modified use permit currently requires the construction of public street frontage improvements along the full length of the public street frontage of the project site to the town-adopted C-1 road standard within three years of building occupancy and public patronage.

Recent cost estimates by the applicants of required frontage improvements have now increased to over \$72,000, which far exceeds the original cost estimate for the work (+/- \$21,321.00). As such, the project applicants have once again submitted a request to modify Condition No. 5 by extending the deadline by which the frontage improvements must be completed from three years from building occupancy to **eight years** from building occupancy - an extension of an additional five years. In that extended time period the Work Training Center will have the ability to explore grant and partnership possibilities to facilitate the required frontage improvements along Skyway.

ANALYSIS

Staff's review of the project and the impact of deferring the required Skyway frontage improvements found no significant concerns with the request for a five-year time extension from commenting departments. However, in reviewing the conditions of the modified use permit it became apparent that in addition to further modifying Condition No. 5, the heading for Condition No. 7 would also require modification. Condition No. 7 addresses the pre-approval of the engineered street and drainage improvement plans for the frontage improvements as required in Condition No. 5. The existing modified use

permit currently requires the submittal of the engineered street and drainage improvements plans one year prior to the completion of the improvements. Therefore, staff is not only supportive of granting the applicant's request to modify Condition No. 5 of the Work Training Center use permit (PL10-00053), but also modifying the heading for Condition No. 7 to be completed one year prior to the extended deadline.

If approved as recommended, the modified condition and heading would be worded as follows:

*5. "Post a bond or similar financial instrument with the Town of Paradise in a manner deemed satisfactory to the Town Engineer guaranteeing construction of all required public street frontage improvements within **eight years** of building occupancy and public patronage. The project developer shall complete frontage improvements to the Town-adopted C-1 public street standard (or equivalent, as determined by the Town Engineer) along all project site frontage of the Skyway in accordance with engineered street frontage improvement plans approved by the Town Engineer. Frontage and site improvements shall be designed and constructed in accordance with the requirements of the Americans with Disabilities Act (ADA)."*

*"CONDITIONS TO BE MET WITHIN **EIGHTY-FOUR MONTHS** OF OCCUPANCY AND PUBLIC PATRONAGE"*

RECOMMENDATIONS

1. Open the scheduled and noticed public hearing and solicit testimony from the attending public.
2. Close the public hearing and adopt the following findings to support the requested use permit modifications:
 - a. Find that the proposed modified project remains categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3) of the State CEQA Guidelines.
 - b. Find that the project, as modified and conditioned, is consistent with the Town-Commercial designation as shown on the Paradise General Plan land use map; and is consistent with the development goals, objectives and policies of all applicable General Plan elements.
 - c. Find that the project, as modified and conditioned, is compatible with surrounding land uses and would not be detrimental to the health, safety and general welfare of the residents of the Town of Paradise.

Work Training Center Use Permit Modification

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3. Direct staff to re-issue the Work Training Center use permit, modified as specified above.

M E M O R A N D U M

Agenda No. 4(b)

TO: Craig Baker, Planning Director
FROM: Susan Hartman, Assistant Planner
SUBJECT: Trinity Pines Use Permit Modification Application (PL12-00012);
AP No. 052-150-028
DATE: **February 2, 2012**

BACKGROUND:

The property owners are requesting approval from the Town of Paradise to further modify use permit conditions #11 & 12 from the heading *Conditions of Land Use Operation – Business Operation* as previously revised and adopted at the Planning Director public hearing held on December 21, 2010.

Currently, the property is rented on a month-to-month basis to Trinity Pines, an adult residential care facility, whose funding is dependent on state and county resources. Since the property owners, the Andreas', are interested in selling the property, Trinity Pines has been actively seeking potential buyers with the resources to partner with in their existing business endeavor that would be willing and able to meet the conditions of the use permit in regards to the covenant agreement for frontage improvements and the deeding of right-of-way to the Town. This is the third request for a time extension to complete the use permit requirements since the original project approval in April, 2009.

ANALYSIS:

Staff has reviewed the project in regards to the issuance of an additional time extension in order to facilitate the potential sale of the property and subsequent completion of modified use permit conditions #11 & 12. At this time, staff is only supportive of extending the timeframe to record the covenant agreement for frontage improvements along Queen Dr (condition #11). The Elliott Road right-of-way dedication is essential to the Town for the maintenance and future upgrade of Elliott Road. Any potential buyer(s) would be buying the property knowing that the current land use necessitates the dedication of right-of-way to the Town. Therefore, the fact that the property is for sale is not a compelling reason to extend the timeframe for the dedication beyond the almost three years already granted.

RECOMMENDATIONS:

As the project applicant has continued to diligently seek resolution of the outstanding, required conditions of approval through a partnership with a prospective buyer and the fact the applicant is providing a much needed service within the county, it is the recommendation of staff that the Town Planning Director, on behalf of the Town of Paradise, officially modify previously adopted condition #11 under the heading *Conditions of Land Use Operation* of the Trinity Pines Modified Use Permit [PL10-00417] to allow for an additional twelve (12) month deferral. However, it is also recommended that condition #12 under the heading *Conditions of Land Use Operation* be satisfied within sixty (60) days of the effective date of the modified use permit.

If approved as recommended, the modified conditions would be worded as follows:

11. *Not later than 12 months beyond the effective date of the modified use permit, construct or defer by covenant agreement executed with the Town of Paradise, a one-half street section upgrade improvement along the project site frontage of Queen Drive to the town-adopted B-1 road standard.*
12. *Not later than sixty (60) days beyond the effective date of the modified use permit the property owner shall deed forty feet from the centerline of Elliott Road to the Town of Paradise or provide a recorded deed document verifying that this requirement has been fulfilled.*

REQUESTED ACTIONS:

1. Adopt the following findings to support the requested use permit modifications:
 - a. Find that the proposed modified project remains categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3) of the State CEQA Guidelines.
 - b. Find that the project, as modified and conditioned, is consistent with the Town-Commercial designation as shown on the Paradise General Plan land use map; and is consistent with the development goals, objectives and policies of all applicable General Plan elements.
 - c. Find that the project, as modified and conditioned, is compatible with surrounding land uses and would not be detrimental to the health, safety and general welfare of the residents of the Town of Paradise.
2. Direct staff to re-issue the Trinity Pines use permit, modified in accordance with staff's recommendations, above.

**TOWN OF PARADISE PLANNING DIRECTOR
PLANNING STAFF REPORT
MEETING DATE: FEBRUARY 7, 2012**

FROM: Susan Hartman, Assistant Planner **AGENDA NO. 4(c)**
SUBJECT: Pertuit Tentative Parcel Map Application (PL11-00354)
DATE: February 2, 2012 **AP# 053-011-114**

GENERAL INFORMATION:

Applicant: Glen Pertuit
PO Box 1602
Chico, CA 95927

Surveyor: L & L Surveying
PO Box 671
Paradise, CA 95967

Location: 1106 & 1112 Bille Rd

Requested Action: Parcel map approval to divide an existing ± 1.05 acre property into two new parcels of record.

Purpose: To create separate parcels for two existing dwellings on the site.

Project Density: ± 1.9 dwelling units per gross acre

Present Zoning: Town Residential – 1/2 acre minimum (TR-1/2)

General Plan Designation: Town Residential (TR)

Existing Land Use: Medium density residential

Surrounding Land Use: North: Bille Road
East: Twin Lanes
South: Medium density residential
West: Medium density residential

Project site area: ± 1.05 acre

Environmental Determination: Categorical Exemption – CEQA Section 15315 (Class 15)

Other: An appeal of the Planning Director's decision can be made within ten (10) days of the decision date.

NOTE: THE APPLICANT OR A REPRESENTATIVE SHOULD BE IN ATTENDANCE OR THE PLANNING DIRECTOR MAY NOT TAKE ACTION ON THIS APPLICATION.

SPECIAL INFORMATION:

The proposed Pertuit tentative parcel map project entails the creation of two parcels designed for single-family residential land use. The proposed parcels would be created from an existing, ± 1.05 acre parcel of record.

The site is currently developed with two single family residences. The gross sizes proposed for the parcels are both 0.50 acre. If recorded as designed, the parcel map would create separate parcels for each residence.

As designed and proposed, Parcel No. 1 would have ± 135 lineal feet of public road frontage and Parcel No. 2 would have ± 30 lineal feet of public road frontage along Bille Road, a principal arterial street.

ANALYSIS:

This project belongs to a class of projects which have been determined not to have a significant effect upon the environment, and is therefore categorically exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15315.

If **conditionally approved** by the Planning Director as recommended, the proposed project would be consistent with the goals and land use policies of the Paradise General Plan and should also be compatible with existing zoning as well as surrounding land uses.

Development Services, Public Works Department, Fire Department, and Paradise Irrigation District staff have indicated support for the project and have developed recommended conditions of project approval designed to reduce any impacts related to the proposed project to an insignificant level and to promote orderly development of the Paradise community. Accordingly, staff is recommending project approval, based upon and subject to the following recommended required findings and conditions of project approval:

REQUIRED FINDINGS FOR APPROVAL:

- a. Find that the proposed project, **as conditioned**, is categorically exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15315 (Class 15) of the CEQA Guidelines.

- b. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan, because the resulting sizes and uses of the parcels would be consistent with existing land use in the area, and adequate infrastructure would be in place to serve the parcels.
- c. Find that the project, **as conditioned**, is consistent with the spirit and intent of the zoning district in which the project site is situated, because the land use proposed for the parcels would be residential and parcel sizes proposed are consistent with the requirements of the zone.
- d. Find that the project, **as conditioned**, will not result in a significant adverse effect on existing plant and animal life in the project vicinity for the following reasons:
 - 1. Each proposed parcel is currently developed for residential use and the project site is located within an area that has been significantly altered by residential development.
 - 2. No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - 3. The site is small (+/-1.05 acre).

RECOMMENDATION:

Adopt the required findings as provided by staff and approve the Pertuit tentative parcel map application (PL11-00354) proposing to create two parcels of record from an existing ± 1.05 acre property located at 1106 & 1112 Bille Road, subject to the following conditions:

**CONDITIONS TO BE MET PRIOR TO RECORDATION
OF FINAL PARCEL MAP**

SEWAGE DISPOSAL

- 1. Satisfy all requirements of the Town of Paradise Onsite Sanitary Official concerning the design of the final parcel map.

ROADS/ACCESS

2. Construct, or defer by covenant agreement executed with the Town of Paradise, a one-half street section upgrade improvement along the project site frontage of Bille Road to the town-adopted B-4 road standard.
3. Deed forty-feet from the centerline of Bille Road to the Town of Paradise or provide recorded deed document showing that this requirement has been met.

SITE DEVELOPMENT

4. All easements of record shall be shown on the final parcel map.
5. Indicate a fifty-foot front yard building setback line measured from the centerline of Bille Road and a twenty-foot side yard building setback line measured from the centerline of Twin Lanes.
6. Complete the requirement of the Fire Marshal regarding plans submittal for a town approved turnaround facility to provide fire apparatus access to the proposed Parcel No. 2 and construct the proposed turnaround in a manner deemed satisfactory to the Town Fire Marshal.

UTILITIES

7. Meet the requirements of any utility companies regarding the establishment of necessary public utility easements.

OTHERS

8. Provide documentation from the office of the Butte County Tax Collector verifying payment of current property taxes and any assessment liens imposed by the town.
9. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
10. Place the following notes on the final parcel map information sheet:

- a. "At the time of building permit issuance authorizing new buildings or building additions, owners of Parcel Nos. 1 and 2 may be required to pay any Town of Paradise adopted development impact fees."
- b. "If any archaeological resources are uncovered during the course of future development or construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery."